

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>MONA DOBRICH, et al.,</b>	:	
	:	
	:	
<b>Plaintiffs,</b>	:	
	:	
	:	
<b>v.</b>	:	<b>C.A.No. 05-120-JJF</b>
	:	
	:	
	:	
<b>HARVEY L. WALLS, et al.,</b>	:	
	:	
	:	
<b>Defendants.</b>	:	

**ANSWER OF DEFENDANT REGINALD L. HELMS  
IN HIS OFFICIAL CAPACITY**

Defendant Reginald L. Helms, answering the Complaint of the Plaintiffs, alleges and says as follows in his official capacity:

**PRELIMINARY STATEMENT**

1. Denied that the Plaintiffs action would enforce rights under the Constitutions of the United States or Delaware.
2. Denied, except to the extent that there has been a practice of including prayer at certain District sponsored events.
3. Denied.
4. Denied.
5. Denied.
6. Denied.

**THE PARTIES**

7. The Defendant is without knowledge or information sufficient to form a belief of the

truth of the averments.

8. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

9. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments

10. Admitted.

11. Admitted.

12. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

13. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

14. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

15. Admitted.

16. Admitted.

17. Admitted.

18. Admitted.

19. Admitted.

#### **JURISDICTION**

20. Denied, the Defendant demanding strict proof of this Court's jurisdiction.

#### **VENUE**

21. Denied, the Defendant demanding strict proof that venue is properly in this Court.

**SUBSTANTIVE ALLEGATIONS**

22. Denied, except to admit that prayers have been delivered at District-sponsored events.

**Graduation Ceremonies**

23. Denied except to admit that members of the clergy were asked to deliver invocations and benedictions at the Sussex Central High School graduation ceremonies.

24. Denied.

25. Denied.

26. Admitted.

27. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averment.

28. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averment.

29. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

30. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

**Bible Club**

31. Denied.

32. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

33. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

34. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

35. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

36. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

**School Distributing Bibles**

37. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

38. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

39. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

**Athletic Events**

40. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

41. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

42. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

**Potlucks, Ice Cream Socials and Academic Banquets**

43. The Defendant is without knowledge or information sufficient to form a belief of the

truth of the averments.

44. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

45. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

46. Admitted, except that it is denied that the prayer by Pastor Marvin Morris was sectarian.

47. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

#### **Religion in the Curriculum**

48. Denied.

49. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

50. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

51. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

#### **Religion at School Board Meetings**

52. Denied.

53. Admitted, except that it is denied that student attendance at school board meetings is ever mandatory.

54. The Defendant is without knowledge or information sufficient to form a belief of the

truth of the averments.

55. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

56. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

57. Denied.

58. Admitted.

59. Admitted.

60. Admitted.

61. Denied.

62. Admitted.

63. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

64. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

65. Admitted.

66. Denied.

67. Admitted.

68. Admitted.

69. Denied.

**The Dobriches' Reaction to the Prayer at Graduation**

70. The Defendant is without knowledge or information sufficient to form a belief of the

truth of the averments.

71. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

72. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

73. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

**The June 15, 2004 School Board Meeting**

74. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

75. Denied.

76. Admitted.

77. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

78. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

**The July 27, 2004 School Board Meeting**

79. Admitted.

80. Admitted, except that it is denied that school-sponsored prayer was endorsed by speakers at the meeting.

81. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

82. Admitted.

83. Admitted as to the first sentence. The Defendant is without knowledge or information sufficient to form a belief of the truth of the remaining averments.

84. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

**Local Talk Radio Picks Up the Story**

85. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

86. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

87. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

88. Admitted.

**The August 24, 2004 School Board Meeting**

89. Admitted as to the first sentence. The Defendant is without knowledge or information sufficient to form a belief of the truth of the remaining averments.

90. The Defendant is without knowledge or information sufficient to form a belief of the truth of the averments.

91. Admitted, with the exception of the averment concerning the presence of Jane Doe. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment.

92. Admitted.

93. Admitted to the extent a press release was issued. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment concerning the content of the release.

94. Admitted.

95. Admitted that Mona Dobrich spoke at the meeting. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment as to what Mona Dobrich said.

96. Admitted that Alex and Samantha Dobrich were recognized to speak, but the remainder of the allegation is denied.

97. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment.

98. Admitted.

99. Admitted.

100. Admitted.

101. Denied.

102. Admitted to the extent the persons identified in the averment spoke at the meeting. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment as to what was said.

103. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment.

104. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment.

105. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment.

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**The Life of the Dobriches Since their Public Appearances Opposing School Prayer**

106. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment.

107. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment.

108. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment.

109. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment.

110. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment.

111. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment.

112. Denied.

113. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment.

**The District Has Not Investigated Complaints Demonstrating Constitutional Violations**

114. Denied.

115. The Defendant is without knowledge or information sufficient to form a belief of the

truth of this averment.

116. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment.

117. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment.

**The District Has Refused to Distribute Its New Policies**

118. Admitted.

119. Denied.

120. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment.

121. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment.

122. Denied.

**The District Has Failed to Implement Its Policies**

123. Denied.

124. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment.

125. Denied.

126. Admitted.

127. Denied.

128. Denied.

**The District Has Failed to Respond to Good Faith**

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**Efforts to Address Deficiencies in the Policies**

129. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment.

130. Admitted.

131. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment.

132. Admitted.

133. Admitted.

134. Admitted.

135. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment.

136. The Defendant is without knowledge or information sufficient to form a belief of the truth of this averment

**COUNT I:**

137. The Defendant incorporates by reference the responses set forth above.

138. Admitted.

139. Denied.

140. Denied.

141. Denied.

142. Denied.

143. Denied.

144. Denied.

145. Denied.

146. Denied.

**COUNT II:**

147. The Defendant incorporates by reference the responses set forth above.

148. Denied.

149. Denied

150. Denied.

151. Denied.

**COUNT III:**

152. The Defendant incorporates by reference the responses set forth above.

153. Denied.

154. Denied.

155. Denied.

156. Denied.

157. Denied.

158. Denied.

159. Denied.

160. Denied.

**AFFIRMATIVE DEFENSES**

161. The Complaint fails to state a claim upon which relief may be granted.

162. The Plaintiffs' claims against the Defendant are barred by absolute immunity.

163. The Plaintiffs' claims for relief against the Defendant are barred by qualified

immunity.

164. The Plaintiffs cannot prove that any action or inaction on the part of the Defendant was the proximate cause of any harm to any Plaintiff.

165. The Plaintiffs' claims are barred by the Free Speech and Petition Clauses of the First Amendment of the United States Constitution.

166. Plaintiffs lack standing to bring this suit.

167. Plaintiffs' claims are fabricated in whole or in part in an effort manufacture an Article III case and controversy and interfere with Constitutionally protected freedoms of the defendants and the citizens of Sussex County, Delaware.

168. The claims for injunctive relief have been mooted by even handed written policies which as written and as applied are constitutional regarding religious activity on school premises.

169. In light of the constitutional written policies currently in effect, past actions within the school district cannot be made the basis for prospective injunctive relief.

**WHEREFORE**, Defendant Reginald. L. Helms prays that this Court enter judgment against the Plaintiffs and in favor of Defendant Helms, with costs and attorney's fees assessed against the Plaintiffs, jointly and severally, and grant such other relief as is equitable, just and proper.

**THE NEUBERGER FIRM, P.A.**

/s/ Thomas S. Neuberger

**THOMAS S. NEUBERGER, ESQ. (#243)**

**STEPHEN J. NEUBERGER, ESQ. (#4440)**

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Dated April 4, 2005

Of Counsel

**CERTIFICATE OF SERVICE**

I, Stephen J. Neuberger, being a member of the bar of this Court do hereby certify that on April 4, 2005, I electronically filed this **Pleading** with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Thomas J. Allingham II  
Robert S. Saunders  
One Rodney Square  
P.O. Box 636  
Wilmington, DE 19899

/s/ Stephen J. Neuberger  
**STEPHEN J. NEUBERGER, ESQ.**

cc: client

Helms/Pleadings/Answer.final